

**Hearing Date and Time: January 22, 2020 at 11:00 am**

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:	)	Chapter 11
	)	
	)	Case No. 18-10509 (SHL)
FIRESTAR DIAMOND, INC., <i>et al.</i> ,	)	
	)	Jointly Administered
	)	
Debtors.	)	
	)	
RICHARD LEVIN, Chapter 11 Trustee of	)	
FIRESTAR DIAMOND, INC., <i>et al.</i> ,	)	
	)	
Plaintiff,	)	Adv. Proc. No. 19-1102 (SHL)
	)	
v.	)	<b>ORAL ARGUMENT</b>
	)	<b>REQUESTED</b>
NIRAV DEEPAK MODI, MIHIR BHANSALI,	)	
and AJAY GANDHI,	)	
	)	
Defendants.	)	

**NOTICE OF MOTION TO DISMISS FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, dated November 20, 2019, the undersigned on behalf of Defendant Nirav Deepak Modi, hereby moves this Court before the Honorable Sean H. Lane, in Courtroom 701 of the United States Bankruptcy Court, Southern District of New York, One Bowling Green, New York, New York,

10004, on January 22, 2020 at 2 pm, for an Order, substantially in the same form as attached hereto as Exhibit A (“Proposed Order”), dismissing the First Amended Complaint with prejudice pursuant to Rules 7009 and 7012 of the Federal Rules of Bankruptcy Procedure, and for such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the parties’ agreement, the Trustee’s opposition papers are due on December 18, 2019, and Modi’s reply papers are due on January 10, 2020.

Dated: New York, New York  
November 20, 2019

PATTERSON BELKNAP WEBB & TYLER LLP

By:

/s/ Daniel S. Ruzumna

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**EXHIBIT A**

**Proposed Order**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:	)	Chapter 11
	)	
	)	Case No. 18-10509 (SHL)
FIRESTAR DIAMOND, INC., <i>et al.</i> ,	)	
	)	Jointly Administered
	)	
Debtors.	)	
	)	
RICHARD LEVIN, Chapter 11 Trustee of	)	
FIRESTAR DIAMOND, INC., <i>et al.</i> ,	)	
	)	
Plaintiff,	)	Adv. Proc. No. 19-1102 (SHL)
	)	
v.	)	
	)	
NIRAV DEEPAK MODI, MIHIR BHANSALI,	)	
and AJAY GANDHI,	)	
	)	
Defendants.	)	

**ORDER GRANTING NIRAV DEEPAK MODI'S MOTION TO  
DISMISS THE FIRST AMENDED COMPLAINT**

Upon the Motion of Nirav Deepak Modi for entry of an Order dismissing the First Amended Complaint, dated November 20, 2019 [ECF No. \_\_\_\_] ("Motion to Dismiss"), and upon the Memorandum of Law in Support of Defendant Nirav Deepak Modi's Motion to Dismiss the First Amended Complaint, dated November 20, 2019 [ECF No. \_\_\_\_] ("Memorandum of Law"), and the Court having considered the Motion to Dismiss and reviewed the Memorandum of Law, and all objections thereto and responses in further support thereof; and the Court finding that (i) the Court has jurisdiction to consider and enter an Order granting the Motion to Dismiss; (ii) notice of the Motion to Dismiss was sufficient under the circumstances; and (ii) good cause exists for the granting of the relief requested in the Motion to Dismiss,

IT IS HEREBY ORDERED THAT:

1. The Motion to Dismiss is granted. The First Amended Complaint is dismissed in its entirety with prejudice with respect to Defendant Nirav Deepak Modi, and he is therefore dismissed with prejudice from this Adversary Proceeding.
2. Any objections to the Motion to Dismiss that have not been withdrawn are overruled.
3. This Court shall retain jurisdiction to hear and determine all matters arising from, in connection with, or related to the implementation, interpretation, or enforcement of this Order.

Dated: \_\_\_\_\_, 2020  
New York, New York

\_\_\_\_\_  
THE HONORABLE SEAN H. LANE  
UNITED STATES BANKRUPTCY JUDGE